

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/29/11
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March 29, 2011

BY FAX TO

Judge Paul G. Gardephe
United States District Judge
United States Courthouse
500 Pearl Street
Room 920
New York, NY 10007

FAX NUMBER: 212 805-7986

IN RE: 10 Civ 8830 (PGG)

Dear Judge Gardephe:

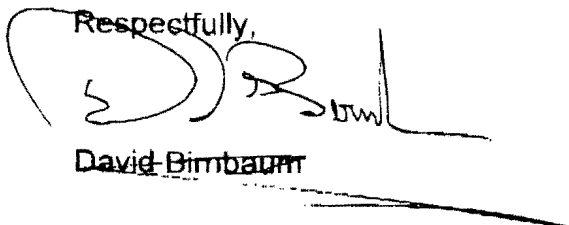
I am writing with respect to my April 4 Order to Show Cause hearing.

As Your Honor knows, I am currently without counsel for this hearing. On March 14, 2011, I submitted, ex parte and in camera, an IFP form and an application to the Court to Request Pro Bono Counsel. I have not received a response. The Pro Se Office, when contacted yesterday morning, knew nothing of my submissions.

I also would ask Your Honor to consider whether the appointment of counsel for this contempt hearing is appropriate under the Criminal Justice Act.

I will be extremely grateful for your most rapid attention, as the hearing is now less than a week away.

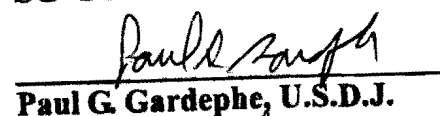
Respectfully,


David Birnbaum

MEMO ENDORSED

The request to proceed in forma pauperis is granted. The application for appointment of counsel is denied because there is no evidence as yet that Defendant Birnbaum has a misdemeanor before.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: March 29, 2011